

## City Council Proceedings August 2, 2010

The governing body of the City of Powell met in regular session at 7:00 p.m. August 2, 2010 at City Hall. Mayor Mangold opened the meeting and led those in attendance in reciting the Pledge of Allegiance. Mayor Mangold called the meeting to order and the following were present:

Mayor: Scott Mangold  
Council Members: Steve Scott, John Wetzel, Don Hillman, Jim Hillberry, Floyd Young, and Rex Sanders.  
Absent: None  
City Officials: City Administrator Zane Logan, City Clerk Ardyce Busboom, City Attorney Sandra Kitchen, Deputy City Attorney Scott Kath, Building Official Will Petersen, Street Supt./PSM Gary Butts, Parks Supt. Chuck Hewitt, Water Supt. Bill Winters, and Sgt. Roy Eckerdt.

### Approval of Agenda

Mayor Mangold called for review and approval of the agenda. Councilman Young moved to approve the agenda with the removal of item 7F – Plaza Diane - O & M Procedures which will be addressed at the August 16<sup>th</sup> meeting. This motion was seconded by Hillberry and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

### Approval of Minutes.

Mayor Mangold called for any additions or corrections to the July 19<sup>th</sup> regular meeting minutes which were distributed to Council and posted at City Hall prior to the meeting. Councilman Scott moved to approve these minutes which motion was seconded by Wetzel and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY - None; MOTION CARRIED.

### Bills and Claims

The list of claims, a copy of which is attached, was then considered. Councilman Hillberry made a motion that the bills be allowed and authorize the Treasurer to draw warrants for payment of same, which motion was seconded by Young and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

### Matters From The Public

**Third Thursday Plaza Fest Event.** Plaza Diane Community Center for the Arts submitted a request for a waiver of the open container laws (Resolution No. 10, 2010) for the Third Thursday Plaza Fest, and Hansel & Gretel's submitted a request for a catering permit for the same event which is scheduled for August 19, 2010 from 5 – 8 p.m. at the Plaza Diane, with additional requirements as listed in the Resolution. Councilman Hillberry moved to approve Resolution No. 10, 2010, with the additional requirements as listed, and the catering permit for Hansel & Gretel's for this event, which motion was seconded by Wetzel and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**Battle of the Bands Event.** Hansel & Gretel's submitted a request for a catering permit and Resolution No. 11, 2010 –Waiver of the Open Container Law was prepared for Big Horn Radio Network - Battle of the Bands event being held on August 28, 2010 from 11 a.m. to 10 p.m. at Washington Park, with additional requirements noted in Resolution No. 11. Councilman Wetzel moved to approve the catering permit and the waiver of the open container laws for this event subject to review and approval of the size and location of a beer garden to be presented at the next council meeting. This motion was seconded by Hillman and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**Ladd Minor Subdivision.** Mrs. Josephine Ladd addressed Council requesting consideration to waive the required additional 20' easement for Lot 4 along Lane 9 since this would cut into already established buildings, water well, and trees on this property. Building Official Petersen noted that both DRC and Planning & Zoning stipulated this requirement since it is standard for subdivisions within one mile of the city limits for

planning for future annexation. Following further staff input and Council discussion, Mayor Mangold recommended that Mrs. Ladd return to Planning & Zoning to review this further followed by that committee bringing their recommendation back to Council for consideration.

**Request for Auction Donation.** Mrs. Pam Johnson addressed Council requesting that the City provide a donation in the form of a children's party at the Powell Aquatic Center for the Children's Relief International benefit dinner and silent auction being held August 20<sup>th</sup> at the Park County Fairgrounds. Following discussion, Councilman Hillman made a motion that the City covers fifty percent of the cost of a child's party, with the Children's Relief Fund covering the other fifty percent, not to exceed a total of \$125 maximum. This motion was seconded and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

#### **Legal**

**Declaration of Gift & Agreement for Use.** Attorney Kitchen reviewed the final revisions made to this agreement between the Moyer Foundation and the City for funding to be used for the Powell Aquatics Center and presented for Council approval. Councilman Wetzel moved to approve this document and authorize execution of same which motion was seconded by Hillman and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

#### **Administrative**

**City/Powell Valley Recycling Agreement Renewal.** Administrator Logan presented a revised Agreement between the City and Powell Valley Recycling. Supt. Butts and Attorney Kitchen reviewed section 1-f dealing with payroll expenses and general equipment maintenance. Councilman Hillberry moved to approve this agreement and authorize execution of same which motion was seconded by Sanders and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED. Mr. Myron Heny stated that the Recycling Board would like to review this one more time before signing it.

**Burbach Aquatics, Inc. – Change Order #6.** City Administrator Logan and Supt. Butts reviewed change order #6 covering substantial completion within the time required by the contract, and also covering, but not limited to, such things as equipment, needed repairs, time extension, underground piping, and work removed from bid. This brings the total contract amount with Sletten Construction to \$8,003,210.00 and is a full and total release of claims except for the \$41,213.00 claim of Capstone Construction. The general contractor is still responsible for the warranty period. Councilman Hillman moved to approve Change Order #6 and authorize execution of same which motion was seconded by Hillberry and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**Proposed Parking and U-turn Code Changes.** Administrator Logan and Street Supt. Butts reviewed code changes being proposed by staff to section 10.12.040 which would prohibit both u-turns and j-turns, and to section 10.20.020 relating to time limitations on parking in downtown areas. Council discussed section 10.12.040 which would specifically prohibit crossing the opposite lane of traffic to park a vehicle (j-turn) where posted with no u-turn signage. Council then reviewed staff recommendation to eliminate B of section 10.20.020 which prohibits parking longer than two hours in specified areas. Following discussion, Council directed legal staff to prepare recommended revisions to section 10.12.040 prohibiting u-turns and j-turns where posted. Review of section 10.12.020 brought Council consensus to leave this in the code to be enforced as needed.

**Parks Dept. Landscaping Bid Results & Recommendation.** Parks Supt. Hewitt reviewed bids received for landscaping, irrigation and maintenance for the PAC. Proposed design plans and landscaping trees and shrubs were shown for Council review. Supt. Hewitt recommended that Council accept the low bid submitted by Olsen Fencing in the amount of \$95/hr. for this project. Councilman Young moved to approve the bid submitted by Olsen Fencing and authorize execution of contract documents which motion was seconded by Hillman and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**Parks Dept. Tree Trimming/Removal Bid Results & Recommendation.** Parks Supt.

Hewitt reviewed tree trimming, removal and stump grinding bids for various areas of town and presented staff recommendation that bids be awarded on stump removal and per tree quotes as follows: Big Horn Horticulture – stump grinding at \$100 per hr.; Blue Ribbon Tree Service – 160 trees at \$21,510; and Brian’s Family Tree Service – 83 trees at \$11,712.95. Councilman Young moved to accept the bids as listed and authorize execution of contract documents which motion was seconded by Wetzel and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**CK Construction – Change Order #2 – Homesteader Rest Area Project.**

Administrator Logan reviewed change order #2 in the amount of \$2034.54 to cover picnic slabs, RV dump station water line, water meter, tree removal and curb and gutter removal. Councilman Wetzel moved to approve this change order for the rest area project which motion was seconded by Hillberry and the vote was: AYE – Mangold, Scott, Wetzel, Hillman, Hillberry, Young, and Sanders; NAY – None; MOTION CARRIED.

**General Announcements.** Administrator Logan informed Council of the following:

- 1) He will be attending the WMPA meeting and tour of Dry Forks Station later this week;
- 2) Provided FY 09/10 ending year expenditure and revenue reports for Council review;
- 3) Councilman Wetzel noted he had received positive reports on the condition of the ball fields; and
- 4) Councilman Hillman sent congratulations to the ball teams moving on to finals.

There being no further business to be considered at this meeting, Councilman Hillman moved to adjourn which motion was seconded by Wetzel. Mayor Mangold adjourned the regular meeting at 8:14 p.m.

**APPROVED:**

**ATTEST:**

**/s/ Scott Mangold**  
Mayor

**/s/ Ardyce Busboom**  
City Clerk